

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CHARLES A. PEARSON, #182691,

Plaintiff,

V.

ELLEN BROOKS, et al.,

Defendants.

CASE NO. 2:06-CV-828-MEF

ORDER

Upon review of the Recommendation entered on September 20, 2006 (Court Doc. No. 3), and for good cause, it is

ORDERED that the attached page be and is hereby substituted for page six (6) of the Recommendation. It is further

ORDERED that the plaintiff be and is hereby GRANTED an extension to and including October 10, 2006 to file objections to the Recommendation.

DONE, this 26th day of September, 2006.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE

1. The § 1983 claims presented against Ellen Brooks and Scott Green be dismissed with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) and (iii).
2. The plaintiff's challenge to the constitutionality of the conviction and sentence imposed upon him by the Circuit Court of Montgomery County, Alabama be dismissed without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii).
3. This case with respect to the plaintiff's illegal arrest claim against defendants Byrd and Gruhn be referred back to the undersigned for additional proceedings.

It is further

ORDERED that on or before October 2, 2006 the parties may file objections to this Recommendation. Any objections filed must clearly identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d